

REMARKS

In the Office Action dated April 13, 2006, claims 1, 3 and 5-10 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,795,285 to McLaughlin et al. (“McLaughlin”) in view of U.S. Patent No.: 6,428,705 to Allen et al. (“Allen”). Basically, the Examiner contends that it is proper to incorporate the oxidation process of Allen into the treatment process of McLaughlin. This is due in part to Allen teaching that slurries of dredged material can be treated with an oxidation process. The Office Action has been made final.

Applicants have amended claim 1 and cancelled claim 10 to further define the claimed invention. Claim 1, as amended, recites that the solid portion after deliquification in step (c) is directly mixed with structural additives to provide a beneficial use product in step (d). Support for amendment in claim 1 is found, *inter alia*, in the specification on page 2, paragraph 6; page 5, paragraphs 13-15; and pages 7 and 8, paragraphs 21 and 22. No new matter is being added.

Applicants respectfully submit that the above-cited combination of prior art does not teach or suggest all the limitations of claim 1. Specifically, McLaughlin teaches treating contaminated sediments by plasma melting dredged sediments to destroy hazardous organics and converting the contaminated particles into a low-leachability glass product. *See* column 1, lines 14-18. The vitrification process yields a solid product that encapsulates the contaminated particles, which can then be combined with other materials form to an end use product. However, the solid product of the vitrification process does not contain any moisture since all moisture is removed during exposure to plasma. *See* column 4, lines 21-29 Allen does not alter nor supplement this teaching.

To the contrary, claim 1 requires the solid portion (which includes a liquid component) to be directly mixed with structural additives to form a beneficial end use product. Claim 1 does

not encompass the vitrification product of the McLaughlin process because claim 1 requires the solid portion to have a liquid component when it is mixed with structural additives. Thus, the solid portion of the present invention contains liquid while the solid vitrified product of McLaughlin does not.

In view of the above, the combination of McLaughlin and Allen do not teach or suggest all the limitations of claim 1 and dependent claims 3 and 5-9. Withdrawal of the rejection is respectfully requested.

Applicants do not believe that any additional fees are due other than for the RCE and the three (3) month extension. However, if any additional fees are due, the amount of such fees may be charged to Deposit Account No. 50-1145.

Respectfully submitted,

A handwritten signature in cursive script, reading "Lindsay S. Adams".

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